



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 10, 1996

Mr. Kevin Pagan
Assistant City Attorney
City of McAllen
P. O. Box 220
McAllen, Texas 78505

OR96-1854

Dear Ms. Pagan:

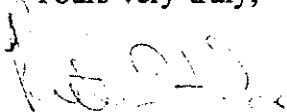
You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 101108.

The City of McAllen (the "city") received a request for information concerning a fire. You assert that the information at issue is excepted from disclosure pursuant to section 552.108 of the Government Code.

You state that the information at issue concerns an ongoing investigation into possible criminal activity. Section 552.108 excepts from disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime," and "[a]n internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution." Gov't Code § 552.108; *see Holmes v. Morales*, 924 S.W.2d 920 (Tex. 1996). However, the type of information normally found on the front page of the fire report is generally considered public. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Thus, pursuant to section 552.108 of the Government Code, you may withhold from disclosure to the public all of the information at issue except for the front page information, which must be disclosed. We have enclosed a summary showing the types of information that are generally considered to be public.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Ruth H. Soucy
Assistant Attorney General
Open Records Division

RHS/ch

Ref.: ID# 101108

Enclosures: Submitted documents
Summary of Open Records Decision No. 127 (1976)

cc: Mr. Bob Hagan
Farmers Insurance Group
17105 North MoPac Expressway
Austin, Texas 78728
(w/o enclosures)